

HERRICK, FEINSTEIN LLP
Paul H. Schafhauser (PS - 1337)
pschafhauser@herrick.com
John M. August (JA - 6451)
jaugust@herrick.com
One Gateway Center
Newark, New Jersey 07102
(973) 274-2000
Attorneys for Defendant JPMorgan Chase Bank, N.A.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MERRILL LYNCH BUSINESS FINANCIAL
SERVICES, INC.,

Plaintiff,

v.

ARTHUR KUPPERMAN, E. ROSS BROWNE,
PAULETTE KRELMAN, PGB
INTERNATIONAL, LLC, and JPMORGAN
CHASE BANK, N.A.,

Defendants,

and

IFIG USA, INC., JOHN DOES (1-10) and ABC
CORPORATIONS (1-10),

Additionally Defendants
on the Crossclaim.

CIVIL ACTION

Civil Action No. 06-4802 (DMC)

ORDER

THIS MATTER having been opened to the Court by Herrick, Feinstein LLP, attorneys for JPMorgan Chase Bank, N.A. (“Chase”), upon Chase’s motion for summary judgment on its Amended Crossclaim and for related relief seeking the entry of an Order (i) granting summary judgment to Chase on the Third Count of its Amended Crossclaim against Arthur Kupperman (“Kupperman”) for all sums due and owing from PGB to Chase, together with post-judgment interest until the date such judgment is satisfied, costs to be taxed, and

attorneys' fees in an amount to be subsequently determined by the Court; (ii) granting summary judgment to Chase on the Tenth and Eleventh Counts of the Amended Crossclaim against Kupperman for treble damages, together with post-judgment interest until the date such judgment is satisfied, costs to be taxed and attorneys' fees, pursuant to the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1961, et seq. and the New Jersey Racketeering Act ("NJ RICO"), N.J.S.A. § 2C:41-1, et seq.; and (iii) certifying the judgment as final pursuant to Federal Rule of Civil Procedure 54(b); and due and adequate notice having been given; and the Court having considered all papers submitted in connection with the aforesaid motion, and the argument of counsel; and for good cause shown;

IT IS on this ____ day of November 2009;

ORDERED that Chase's motion shall be, and hereby is, granted in its entirety; and it is

FURTHER ORDERED that judgment shall be and hereby is entered in favor of Chase and against Kupperman on the Third Count of its Amended Crossclaim in the amount of \$2,893,558.65, together with post-judgment interest until the date such judgment is satisfied, and costs to be taxed, and attorneys' fees in an amount to be subsequently determined by the Court; and it is

FURTHER ORDERED that judgment shall be and hereby is entered in favor of Chase and against Kupperman on the Tenth Count of its Amended Crossclaim, for treble damages in the amount of \$8,680,675.95, together with post-judgment interest until the date such judgment is satisfied, and costs to be taxed, and attorneys' fees in an amount to be subsequently determined by the Court; and it is

FURTHER ORDERED that judgment shall be and hereby is entered in favor of Chase and against Kupperman on the Eleventh Count of its Amended Crossclaim, for treble damages in the amount of \$8,680,675.95, together with post-judgment interest until the date such judgment is satisfied, and costs to be taxed, and attorneys' fees in an amount to be subsequently determined by the Court; and it is

FURTHER ORDERED that the Clerk is expressly directed to enter this judgment as a final judgment upon which execution may be had pursuant to this Court's findings on the record that there is no just reason for delay.

HON. DENNIS M. CAVANAUGH, U.S.D.J.

HF 5323656v.1 #04055/0002